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SEC

SERVICE DATE - NOVEMBER 6, 1998

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. WCC-102

OCEAN LOGISTICS MANAGEMENT, INC.--PETITION FOR DECLARATORY ORDER--  
CERTAIN RATES AND PRACTICES OF NPR, INC., AND HOLT CARGO  
SYSTEMS, INC.

Decided: November 2, 1998

By petition/complaint filed October 6, 1998, under 49 U.S.C. 13701(c), Ocean Logistics Management, Inc. (OLMI or petitioner), a non-vessel operating common carrier, seeks a finding that NPR, Inc., doing business as NPR, Navieras, and Navieras de Puerto Rico (NPR), a vessel operating common carrier providing transportation between the United States and Puerto Rico, has engaged in certain unreasonable practices in violation of 49 U.S.C. 13701(a)(1)(B), as a result of which petitioner has suffered damages of \$4 million.<sup>1</sup>

Concurrent with its petition/complaint, OLMI has filed a “motion for stay as to regulated commodities.” In its motion, petitioner indicates that an action regarding the involved matter is pending before the United States District Court for the District of Puerto Rico in Ocean Logistics Management, Inc. v. NPR, Inc., D/B/A Navieras; XYZ Insurance Co., Civil Action No. 96-2388 (DRD). NPR has moved for dismissal of that action.

Petitioner believes that it should initiate an action before the Board to preserve its right to do so in the event the court grants NPR’s dismissal request. However, it does not want to prosecute its case before the Board at this time, and it asks the Board to hold in abeyance processing of the proceeding. On October 20, 1998, NPR replied to OLMI’s motion and indicated that it consents to petitioner’s request.

A proceeding will be initiated. However, at the parties’ request, the Board will hold processing in abeyance and will not at this time establish a schedule for the filing of statements. NPR will be directed to advise the Board promptly when the court disposes of the related action.

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<sup>1</sup> OLMI also names as a respondent Holt Cargo Systems, Inc., which petitioner believes gained control of NPR after the latter had engaged in the conduct that is subject of this petition/complaint.

It is ordered:

1. Under 49 U.S.C. 13701(c), a proceeding is initiated to determine whether NPR has violated the requirements of 49 U.S.C. 13701(a)(1)(B).
2. The processing of this proceeding is held in abeyance.
3. OLMi must promptly advise the Board when the District Court disposes of the related action.
4. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams  
Secretary